

REMARKS

Applicant appreciates the opportunity to have had an interview with the Examiner and summarizes same hereinbelow.

Interview Summary

On August 28, 2009 an interview was conducted between Examiner Anderson Folashade and Primary Examiner Andre Boyce on the one hand and Applicant Marco Julio Barrera and his undersigned counsel on the other hand.

There was a discussion of a PowerPoint presentation of the TAMIS-R system and how it relates to particularly Claim 1 of Applicant's invention, including the gaps in the TAMIS-R system that are filled by Applicant's invention. (An Information Disclosure Statement listing this PowerPoint document is filed herewith.) In addition, a discussion of the Standard Operating Procedure (of record) and the Ross article (of record) was made by Applicant, clarifying that the SOP merely comprises the steps that are followed in filling out the TAMIS-R data entry page, and that the Ross article identifies missing areas that are not addressed by TAMIS-R, but offers no solutions therefor.

Applicant discussed the possibility of amending the claims to include the limitation of bidirectional traceability.

Applicant pointed out that TAMIS-R does not create forecasts, but rather, forecasts generated externally are entered into TAMIS-R, which then aggregates the ammunition requirements of such forecasts. More particularly, the aggregation is only of ammunition requirement and not related to forecasting of training events. It was, and remains, Applicant's position that TAMIS-R does not comprise a step of "enabling a user to forecast training events by executing said software program on said computer", nor of "utilizing said computer and said software program running thereon to generate [a] forecast of ammunition required for said training events" as required by Claim 1 (as amended herein) of Applicant's invention.

Agreement was not reached.

§103(a) Rejections

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §103(a) as unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) in view of Standard Operating Procedures for the Management of Training Ammunition, dated 02/11/2000 (http://ag.arizona.edu/research/itam/pdf_docs/AMMOSOP1.pdf) (“SOP”). Applicant respectfully traverses.

TAMIS-R has a disconnect and gap between entry of ammunition requirement (PowerPoint page 4, Qty Req and QTY W/I Forecast, particularly the fact that this latter is an entered number, not a number generated by the program.

Applicant’s invention addresses this gap providing forecasts that

Applicant has amended claim 1 to include the limitation that Applicant’s process provides bidirectional traceability from and to weapon training events, as taught in at least Applicant’s FIGS. 7A and 7B, and the processes of FIGS. 6A and 6B.

TAMIS-R requires that the ammunition required for training events be input into TAMIS-R. TAMIS-R does not generate a forecast of training events. Further, TAMIS-R merely aggregates ammunition requirement forecasts. The forecasting of training events must take place outside of TAMIS-R and it is specifically this forecasting that Applicant’s invention fulfills. Ross particularly does not teach any of the forecasting of training events, indicating merely that TAMIS-R is lacking in certain components and functionality, without identifying what the components are or how to solve the problem. Since Ross specifically identifies that TAMIS-R is lacking, Ross teaches away from TAMIS-R. The referenced SOP adds nothing because it is simply the procedure for entering the same externally-generated

information that is lacking in TAMIS-R into the interface of TAMIS-R and thus the SOP does not provide any forecasting.

Again, TAMIS-R lacks the ability to provide a forecast of ammunition requirements for training events needed to attain selected training goals of a forecast of training events themselves. Such ammunition requirements and/or forecasts must be input into TAMIS-R, not output therefrom, while Applicant's process and system generate ammunition requirements and training events based on selected training events and output said ammunition requirements.

Ross manages allocation and accounting of ammunition and does not forecast ammunition requirements based on training events. The 'forecasts' of Ross are developed outside of Ross by hand at the user level and then are input as manual totals into TAMIS-R. The Applicant's invention enables the user to develop training events from training goals within the system and allows precise tracking through requests, allocation and distribution (all lacking in Ross). More importantly, Ross clearly states that TAMIS-R does an excellent job at managing and ROLMS at accounting, but neither ROLMS, nor TAMIS-R have functionality that met parts of the requirement. Since the only part of the requirement outside of managing and accounting is forecasting, it is clear that neither ROLMS, nor TAMIS-R have this capability of forecasting, while Applicant's invention does.

To the contrary, Applicant's invention specifically calculates and identifies ammunition from the training events necessary to achieve selected training goals and provides a forecast of ammunition requirements. Accordingly, the rejection of claim 1 is traversed. Since claim 2 depends from claim 1, the rejection of claim 2 is now moot.

§103(a) Rejections

The Examiner has rejected claims 3-8 under 35 U.S.C. §103(a) as unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) and the SOP, in view of Lidow (U.S. Patent 7,003,474 B2). Applicant respectfully traverses.

Applicant has amended claim 1, traversing the Examiner's rejection. Claims 3-8 depend from claim 1. Accordingly, the rejection of claims 3-8, depending ultimately from claim 1 is now moot.

The Examiner has rejected claims 9-79 under 35 U.S.C. §103(a) as unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002), the SOP, and Lidow '474, and in further view of Pure & Natural Diaper Service (www.seattlediaper.com, published 02/02/2002) ("Pure"). Applicant respectfully traverses.

Applicant has amended claims 13, 33, 42, 50, 60, 64, 65, 70 and 74 to include the limitation of bidirectional traceability to weapon training events as discussed hereinabove. In view of Applicant's amendment to claims 1, 13, 33, 42, 50, 60, 64, 65, 70 and 74, the rejection is traversed. Accordingly, the rejection of dependent claims 9-12, 14-32, 43-49, 51-59, 61-63, 66-69, 91-73, and 75-79, depending ultimately from claims 1, 13, 33, 42, 50, 60, 64, 65, 70 and/or 74 is now moot.

As stated in previous office action responses, Ross does not comprise all the elements of the Applicant's invention, particularly since Ross does not teach forecasting of ammunition for training events. Thus, even if Ross was combined with the SOP, Lidow '474 and Pure, such a combination does not render the Applicants' invention obvious because the combination still lacks every element of the Applicants' invention. More particularly, Applicant again respectfully asserts that Pure is non-analogous art because there is absolutely no logical reason a person would look to a diaper distributor or their technology in the design of forecasting ammunition requirements for military unit training events, and specifically, to create a forecast

from training events. There is no rationale for management of diaper inventories that is related to forecasting of requirements for training events.

The Applicant's invention enables the user to create a forecast within the system of training events required to provide selected training goals and allows precise tracking through requests, allocation and distribution (all lacking in Ross). Further, TAMIS-R requires input (rather than output) of training event ammunition requirements in order to manage ammunition logistics (TAMIS-R thus comprises only the backend of Applicant's system).

For reference, Applicant provides the following definitions;

Bi-Directional Traceability is the capability for a user to execute all processes in Figures 6A-6E (Forecast, Allocate, Request, & Distribute) while maintaining visibility on all training plans and weapon training events that these processes support. The relationship lines connecting the data model entities in Figures 7A-7B of the Patent Application Publication illustrate comprehensive Bi-Directional Traceability.

A Weapon Training Event is the lowest subset of a training event consumes ammunition. The user uses the system to custom build weapon training events and store existing ones. The user can then combine multiple weapon training events for multiple weapon systems in a scheduled training plan to meet current unit training objectives.

Examples of Weapon Training Events: Number of rounds for one rifleman to participate in one iteration of an infantry rifle squad maneuver live fire exercise. Number of rounds for one attack helicopter to conduct one gunnery table for qualification.

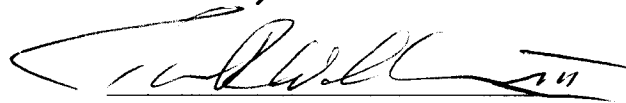
Wpn_Trng_Event is a Data Model entity in Figure 7A of the Patent Application Publication. A Data Model and its entities represent user requirements for information. The system extracts total ammunition requirements from a collection of training plans for a specified time period to produce ammunition forecasts, allocations, requests, and distribution packages for that time period.

A Unit is the lowest level of a US Army organization, company and below, that develops and plans Weapon Training Events. This unit is the customer organization, cust_org Data Model entity in Figure 7A of the Patent Application Publication.

CONCLUSION

All amendments are as to form and no new matter has been added. Applicant respectfully asserts that the claims distinguish over the references for the reasons stated and requests that the instant application be allowed to issue, since all claims herein are now in condition for allowance. Further, in view of the amendments to the independent claims, the Examiner's rejection of all independent claims and all claims depending therefrom is now moot. Otherwise, should the Examiner have any questions regarding this submission, the Examiner is invited to contact the undersigned counsel at the address or telephone number below.

Respectfully submitted, this 9th day of September, 2009,



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